

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GREGORY GAMACHE,

Plaintiff,

OPINION AND ORDER

v.

11-cv-181-wmc

FEDERAL BUREAU OF INVESTIGATION and
FEDERAL COMMUNICATIONS COMMISSION,

Defendant.

Pro se plaintiff Gregory Gamache has filed this proposed civil action against defendants Federal Bureau of Investigation and Federal Communications Commission. Gamache has been allowed to proceed without prepayment of costs and fees in this action. After screening his complaint under 28 U.S.C. § 1915(e)(2), the court concludes that Gamache lacks standing to bring his claims. Moreover, the court has no subject matter jurisdiction of his claims.

ALLEGATIONS OF FACT

In addressing any pro se litigant's complaint, the court must read the allegations of the complaint generously. *Haines v. Kerner*, 404 U.S. 519, 521 (1972). For purposes of this screening order, the court assumes the following facts alleged in Gamache's complaint:

- Plaintiff Gregory Gamache is an adult resident of St. Charles, Missouri.
- 15,000 people have called both defendants Federal Bureau of Investigation and the Federal Communications Commission for help when others use electronic weapons on them.
- Both agencies have refused to investigate one single incident.
- These devices are being used on 40,000 Americans currently.
- These devices harm and kill people.

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by: [Signature]
M. Hardin, Secretary to
Judge William M. Conley

OPINION

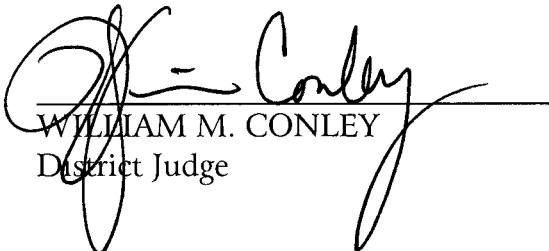
Plaintiff Gregory Gamache requests that this court order the Federal Bureau of Investigation and the Federal Communications Commission to investigate the use of electronic weapons across the entire United States. There are, at least, two immediate problems with his complaint. First, Gamache does not allege any injury to himself, and does not have standing to sue for the injuries of others. *Hinck v. United States*, 550 U.S. 501, 510, n.3 (2007). Second, Gamache names two agencies of the United States of America as defendants. To sue the United States or its agencies in federal court, a plaintiff must show that (1) he has a basis for subject matter jurisdiction in the district court and (2) he is suing under a law expressly waiving the sovereign immunity of the United States to the cause of action. *Clark v. United States*, 326 F.3d 911, 912 (7th Cir. 2003); *see also Dolan v. United States Postal Service*, 546 U.S. 481, 483-84 (2006). Gamache has made neither showing, nor can he since the discretion as to those matters the FBI or FCC investigate and/or prosecute lies in their hands. Therefore, his complaint must be dismissed for lack of subject matter jurisdiction.

ORDER

IT IS ORDERED that plaintiff Gregory Gamache's complaint is DISMISSED with prejudice for lack of jurisdiction. The clerk of court is directed to close this case.

Entered this 1st day of July, 2011.

BY THE COURT:


WILLIAM M. CONLEY
District Judge